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**From:** Oakes, Matthew (ENRD) [Matthew.Oakes@usdoj.gov]  
**Sent:** 10/16/2020 5:33:43 PM  
**To:** Koch, Erin [Koch.Erin@epa.gov]; Aranda, Amber [aranda.amber@epa.gov]  
**Subject:** FW: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

More FYI.

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**From:** Brightbill, Jonathan (ENRD) <JBrightbil@ENRD.USDOJ.GOV>  
**Sent:** Friday, October 16, 2020 1:32 PM  
**To:** Dunn, Alexandra <dunn.alexandra@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>  
**Cc:** Oakes, Matthew (ENRD) <MOakes@ENRD.USDOJ.GOV>; Sell, Eric (ENRD) <ESell@ENRD.USDOJ.GOV>  
**Subject:** RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Thank you Alex!

# Ex. 5 AC/DP

Jonathan D. Brightbill  
Principal Deputy Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W., Room 2603  
Washington, D.C. 20530  
Office: (202) 514-2766  
Mobile: (202) 598-3370  
[Jonathan.Brightbill@usdoj.gov](mailto:Jonathan.Brightbill@usdoj.gov)

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**From:** Dunn, Alexandra <[dunn.alexandra@epa.gov](mailto:dunn.alexandra@epa.gov)>  
**Sent:** Friday, October 16, 2020 12:59 PM  
**To:** Brightbill, Jonathan (ENRD) <[JBrightbil@ENRD.USDOJ.GOV](mailto:JBrightbil@ENRD.USDOJ.GOV)>; Lis-Coghlan, Kamila <[lis-coghlan.kamila@epa.gov](mailto:lis-coghlan.kamila@epa.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Cole, Joseph E. <[cole.josephe@epa.gov](mailto:cole.josephe@epa.gov)>  
**Cc:** Oakes, Matthew (ENRD) <[MOakes@ENRD.USDOJ.GOV](mailto:MOakes@ENRD.USDOJ.GOV)>; Sell, Eric (ENRD) <[ESell@ENRD.USDOJ.GOV](mailto:ESell@ENRD.USDOJ.GOV)>  
**Subject:** RE: Hardeman - Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Kamila, I'll get these to the program ASAP.

Alexandra Dapolito Dunn, Esq.  
Assistant Administrator  
Office of Chemical Safety and Pollution Prevention  
US Environmental Protection Agency  
Washington, DC

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**From:** Brightbill, Jonathan (ENRD) <[Jonathan.Brightbill@usdoj.gov](mailto:Jonathan.Brightbill@usdoj.gov)>

**Sent:** Friday, October 16, 2020 10:40 AM

**To:** Lis-Coghlan, Kamila <[lis-coghlan.kamila@epa.gov](mailto:lis-coghlan.kamila@epa.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Dunn, Alexandra <[dunn.alexandra@epa.gov](mailto:dunn.alexandra@epa.gov)>; Cole, Joseph E. <[cole.josephe@epa.gov](mailto:cole.josephe@epa.gov)>

**Cc:** Oakes, Matthew (ENRD) <[Matthew.Oakes@usdoj.gov](mailto:Matthew.Oakes@usdoj.gov)>; Sell, Eric (ENRD) <[Eric.Sell@usdoj.gov](mailto:Eric.Sell@usdoj.gov)>

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Very good. Thank you Kamila and Joe.

Jonathan D. Brightbill  
Principal Deputy Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice  
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Washington, D.C. 20530  
Office: (202) 514-2766  
Mobile: (202) 598-3370  
[Jonathan.Brightbill@usdoj.gov](mailto:Jonathan.Brightbill@usdoj.gov)

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**From:** Lis-Coghlan, Kamila <[lis-coghlan.kamila@epa.gov](mailto:lis-coghlan.kamila@epa.gov)>

**Sent:** Friday, October 16, 2020 10:38 AM

**To:** Brightbill, Jonathan (ENRD) <[JBrightbil@ENRD.USDOJ.GOV](mailto:JBrightbil@ENRD.USDOJ.GOV)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Dunn, Alexandra <[dunn.alexandra@epa.gov](mailto:dunn.alexandra@epa.gov)>; Cole, Joseph E. <[cole.josephe@epa.gov](mailto:cole.josephe@epa.gov)>

**Cc:** Oakes, Matthew (ENRD) <[MOakes@ENRD.USDOJ.GOV](mailto:MOakes@ENRD.USDOJ.GOV)>; Sell, Eric (ENRD) <[ESell@ENRD.USDOJ.GOV](mailto:ESell@ENRD.USDOJ.GOV)>

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Jon,

Bob Perlis and Mark Dyner are no longer with EPA, but I'm adding Joe Cole for PTSLO. We'll work with OCSPP to set up something to address your questions.

Thanks,  
Kamila

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**From:** Brightbill, Jonathan (ENRD) <[Jonathan.Brightbill@usdoj.gov](mailto:Jonathan.Brightbill@usdoj.gov)>

**Sent:** Friday, October 16, 2020 10:33 AM

**To:** Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Lis-Coghlan, Kamila <[lis-coghlan.kamila@epa.gov](mailto:lis-coghlan.kamila@epa.gov)>; Perlis, Robert <[Perlis.Robert@epa.gov](mailto:Perlis.Robert@epa.gov)>; Dyner, Mark <[dyner.mark@epa.gov](mailto:dyner.mark@epa.gov)>; Dunn, Alexandra <[dunn.alexandra@epa.gov](mailto:dunn.alexandra@epa.gov)>

**Cc:** Oakes, Matthew (ENRD) <[Matthew.Oakes@usdoj.gov](mailto:Matthew.Oakes@usdoj.gov)>; Sell, Eric (ENRD) <[Eric.Sell@usdoj.gov](mailto:Eric.Sell@usdoj.gov)>

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Attorney Client Privilege, Attorney Work Product, FOIA-Exempt Deliberative

Good morning EPA colleagues,

I hope this email finds all of you well. Matt O. may already be coordinating with you, but reminder the I will be arguing on behalf of the U.S. next week in the Hardeman v. Monsanto case in the Ninth Circuit. Recall that the U.S. submitted an amicus brief in support of Petitioner stating that FIFRA expressly preempts the plaintiff's state law failure to warn claim that Roundup should have borne a cancer warning, contrary to the EPA approved label. A copy of that brief is attached.

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Thank you,  
Jon

Jonathan D. Brightbill  
Principal Deputy Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W., Room 2603  
Washington, D.C. 20530  
Office: (202) 514-2766  
Mobile: (202) 598-3370  
[Jonathan.Brightbill@usdoj.gov](mailto:Jonathan.Brightbill@usdoj.gov)